

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Alexander Bayot,

Plaintiff

v.

Nevada Board of Prison Commissioners, et
al.,

Defendants

Case No.: 2:18-cv-01420-JAD-BNW

Order Dismissing Case

Plaintiff Alexander Bayot, a former inmate of the Nevada Department of Corrections (NDOC), brought this civil-rights action under 42 U.S.C. § 1983, seeking relief for events that occurred during his incarceration in various Nevada prisons.¹ In January 2021, I permitted his claim under the Americans with Disabilities Act (ADA) to proceed.² But on January 14, 2021, Bayot's wife filed a letter with the court, advising that Bayot had passed away on December 23, 2020.³ As no party has filed a timely notice of substitution, I dismiss his suit.

Discussion

Under Federal Rule of Civil Procedure 25, “[if] a party dies and the claim is not extinguished, the court may order substitution of the proper party.”⁴ If any party or the decedent's successor or representative wants to file a motion for substitution, it must be filed “within 90 days after service of a statement noting the death” or else “the action by or against the

¹ ECF No. 7 (screening order).

² ECF No. 24.

³ ECF No. 25.

⁴ Fed. R. Civ. P. 25(a).

1 decedent must be dismissed.”⁵ Any proper party who wished to substitute for Bayot in this case
2 had until April 14, 2021, to file a motion. Because no motion for substitution was filed, I must
3 dismiss Bayot’s remaining ADA claim.

4 **Conclusion**

5 IT IS THEREFORE ORDERED that this action is **DISMISSED** under FRCP 25 for
6 failure to substitute. The Clerk of Court is directed to **ENTER JUDGMENT** accordingly and
7 **CLOSE THIS CASE.**

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9 U.S. District Judge Jennifer A. Dorsey
April 21, 2021

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⁵ *Id.*